

TITLE 78 - NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

CHAPTER 7 - ADMINISTRATION OF COUNTY ATTORNEYS CRIMES AGAINST CHILDREN FUND

001 Purpose - To reduce expenses incurred by county attorneys in consulting with and retaining expert witnesses and other costs in the investigation and prosecution of crimes against children, including proceedings brought to prove the neglect or dependency of a child as provided for in Chapter 43, Article 2 of the Nebraska Revised Statutes. "Expert" shall have the meaning set forth in Chapter 27-702 of the Nebraska Revised Statutes. Child shall mean any person under the age of eighteen (18).

002 Eligible Applicants - Any county attorney or deputy county attorney involved in the investigation and prosecution of crimes against children, including proceedings brought to prove the neglect or dependency of a child as provided for in Chapter 43, Article 2, who has incurred or will incur expert witness costs, or other costs, in such investigation or prosecution of any case, on or after July 1, 1990, are eligible to make application to the Commission. Expert witness costs or other costs shall include, but not be limited to, the following:

- (a) The normal reasonable hourly or daily fee of such expert plus his/her out-of-pocket expenses for depositions, consultations, interviews, and court testimony;
- (b) Reasonable out-of-pocket expenses incurred by the prosecutor for photocopying, depositions, postage, long-distance telephone calls, mileage at the statutory rate for county officials, meals and lodging as reimbursable by state regulation; investigative expenses; transcripts; brief costs; any other expenses deemed appropriate by the Commission.

003 Form - The application or request for expenses or costs of expert witnesses or other costs shall be typewritten and provide the following information:

- (a) The name of the case, the age of the victim(s), and the name of the defendant(s) or alleged perpetrator(s);

Title 78
Chapter 7

- (b) A description of the crime or conditions alleged and the circumstances leading to the need for the retention or consultation with any expert or the need to incur costs, and the nature of the services to be rendered;

- (c) An estimate of the expert witness costs or the costs incurred, including any hourly fee of any expert to be retained or consulted, or any other costs;
- (d) The availability of county funds to independently pay for expert witness fees or other costs, and the amount thereof;
- (e) The opinion of the county attorney or deputy county attorney of the impact upon the case in the event such expert is or was not retained or other costs incurred or to be incurred.

The application shall be mailed with sufficient postage to the following address:

Nebraska Crime Commission
State Office Building
P. O. Box 94946
Lincoln, Nebraska 68509-4946

004 Matching Funds - The Commission may, before funding a request for expert witness costs or other costs, request the applicant county attorney to agree in writing to match by a designated percentage a portion of the costs to be incurred, if such county funds are available to such county attorney. Such match, if any, shall be based upon due consideration of the county-allocated funds to commit to a case involving the investigation and prosecution of crimes against children, including the complexity of the case itself, and the funds remaining available in the Crimes Against Children Fund administered by the Commission.

005 Eligible Cases - Any case referred to a county attorney or deputy county attorney involving the investigation or prosecution of crimes against children, or proceedings brought to prove the neglect or dependency of a child as provided for in Chapter 43, Article 2 of the Nebraska Revised Statutes is eligible for funds. Priority consideration for funding may be given by the Commission on the basis of the severity of the crime against a child, the condition or conditions existing which affect the health or well-being of such child, and the complexity of the case itself which requires the use of experts.

Title 78
Chapter 7

006 Approval - Any application submitted pursuant to this rule shall be considered in whole or in part, within ninety (90) days of submission to the Commission. The Executive Director is authorized to pre-approve an eligible case for which an emergency or priority consideration exists upon consultation of a quorum of the County Attorneys Standards Advisory Council who recommend approval of application.

007 Additional Expenses or Costs - If additional expenses or costs are incurred, directly related to the investigation or prosecution of crimes against children, which require additional funds over and above an amount previously approved, a county attorney or deputy county attorney may submit a new application delineating those additional expenses or costs for approval by the Commission. This supplemental application shall be governed by the same rules of initial applications.

008 After Case Report - Within thirty (30) days of final disposition of cases receiving monies from the Crimes Against Children fund, the county attorney shall submit a written report to the Crime Commission which includes the following required information:

- (a) Disposition of each case;
- (b) Impact of the case(s);
- (c) Total number of victims involved to include their individual disposition(s); and
- (d) County expenses involved in the case(s).
- (e) Total amount of State funds expended.

Effective date: February 6, 1991